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Azad Nagar,
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Ever since the New Movement of conversion to Buddhism was started for resurrection and regeneration of Buddhism in this country by our Revered Leader Dr. Babasaheb Ambedkar, it has been received with mixed feelings of appreciation and of askance, nay, at time, with feeling of doubt. It was a matter of great regret and pain for the New Converts to Buddhism that those who are in power and authority, completely misunderstood and misinterpreted this New Movement. They did not appreciate the rise of the New Movement as the Movement of Liberation of the soul and spirit of the suppressed humanity. That it was not only a New Movement for a New Life, but it was essentially for the revival of our ancient culture and civilisation of ancient India, a few people could realise and still a very few could appreciate. In fact, a majority of them failed to understand the implications of it and the far-reaching effects and impact such a Conversion Movement would produce on the life and culture of the modern Indian Society itself They could not foresee and envisage as to what extent it would contribute to the creation of the New Indian Society based on the New principles of Justice, Liberty, Equality, and Fraternity. That it was a New Way of Life that these people wanted to carve out based on *Prajnya*, *Karuna* and *Sheel*, a very few could discern. In fact, some of the persons in power and authority have misunderstood and a few have gone to the extent of adopting a positive attitude of antagonism and animosity towards this New Movement of Conversion to Buddhism.

It was only the Government of Maharashtra, headed by the then Hon'ble Chief Minister, Shri Yashwantraoji B. Chavan, which, on the eve of the birth of the New Mahrashtra State, could make some Special provisions and give some concessions and facilities, however limited they might be, for these New Converts to Buddhism. This was too done by the Maharashtra Government after a great deal of persuasion and explanation and at times even after struggle: I, therefore, take this opportunity for expressing my sense of apprciation and gratitude for whatever has been done by the Maharashtra State, towards the New Converts to Buddhism

If the Maharashtra Government, not only could appreciate the New Movement of Conversion to Buddhism, but could grant some concessions and facilities, educational, social and economic, why should the Central Government not follow suit and show the same magnanimity of mind and heart? I have, therefore, prepared this brief in order to persuade the India Government and also to present the case of the New Converts to Buddhism before the Indian Government and before the Bar of the World

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the religious rites prevalent in the Hindu Community and Celebrated the Hindu fastivities, yet as a mere touch of the Depressed Class held to cause *Pollution* Even though they had the same culture as that of the Hindu Community, worshipped Gods and Goddesses of the Hindus, held in high reverence the scriptures, and other Hindu Religious Books, they were forced and obliged to live in a state of *Isolation* from the rest of the Community". What has been the result of these two factors of Pollution & Isolation? In fact, because of the factors of Pollution and Isolation from the rest of the community, there have been two villages in every village, one belonging to the Scheduled Caste and the other belonging to the rest of the Communities. We can find this phenomena of two villages existing in the same village everywhere throughout India This can be seen even today.

UNTOUCHABILITY ACQUIRED TWO MEANINGS

3. It requires no separate mentioning and explaining that the Untouchables or the Scheduled Castes were forced and obliged to live outside the boundary lines of the village which belonged to the general Community because of the two factors of Pollution and Isolation. It is also not necessaary to repeat in recording and in recounting the difficulties suffered by the untouchables because of these two factors. These factors have not only created a New Institution of Untouchability in the Hindu Social System but this Institution was sanctified by "Shastras" and "Smurtis", by philosophy and social Norms, by customs and taboos, "*UNTOUCHABILITY*" pervaded and permeated not only in the minds of the people, but in the literature and the scriptures of the people It, therefore, as Dr.Babasaheb had said acquired two meanings, namely:

(i) the first, *Literal* meaning and

(ii) the Second, the *Notional* meaning

The study of the Hindu Holy Scriptures, the Indian History and other literature and the Hindu Social System will clearly reveal that both these meanings were embodied in them and were deeply embeded in the life of the Indian peocle both in its *Philosophical aspect* and the *Practical aspect*. In other words, both these meanings became the foundations of the Hindu Social System and the Hindu-social life itself Because of this phenomenon these two meanings-literal and not'onal became the bedrock of the Institution of Untouchability It happened as it could happen in any other field in the natural course of events But at what stage of the history of India these events had occurred and how long it took to complete the process of this occurrrence, no scholar and no historian is in a position to tell. In fact no sufficient light has as yet been thrown on this aspect of the Ancient Indian History One may say as to what is the use of speaking of the past, the present

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PART II

How far Untouchability Vanished :

It may be argued that I am digging out the past when there is no necessity to do so. Let me make my position quite clear. I do not want to sing and repeat the Hymn of Hatred and Antagonism by repeating the past history What I want to do here is this I want to see and study to show as to what extent and how far Untouchability has been abolished or is vanished in the recent times.

I am quite aware of the Constitutional position We have accepted in the Constitution of India the Article 17 which speaks that "Untouchability is abolished and its practice in any form is forbidden." I am also quite aware of the various efforts made both by the Government and other agencies to loosen and to break the shackles of the Institution of Untouchability But what I want to know is how far Untouchability is removed in both, its Literal sense and Notional sense In order to study this problem of abolition of Untouchabilitly a little bit dispassionately and faithfully, we have to see in what directions we have moved to abolish and to destroy the canker of Untouchability from the body politic of the Indian Social systems. There have been so far three-pronged efforts done in this direction. I shall now deal with these efforts one by one

VARIOUS EFFORTS

What are the efforts so far? I now give below the efforts made, namely—

1) Firstly, all out efforts for social reform were first started by Mahatma Phule. Thereafter there have been many worthy names including those of Mahatma Gandhi and Dr Babasaheb Ambedkar in this field

2) Secondly, the giving of the reservations both in the Central Assembly and the Provincial Assemblies was intended to give some special political rights, privileges and weightages and also concessions and facilities, more especially educational and economic, and fixing the percentage in the Public Services. The decision of giving Reservations, etc. was based on the principles of Social Justice even before the framing of the Indian Constitution. The Indian Constitution, thereafter, accepted *two* schemes for abolishing and destroying the Institution of Untouchability These schemes are: The first scheme accepted has been dealt with under the Article 17 of

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These "Provisions" deal with the following.—

(a) The Articles 14, 74, 75, 79, 81, 330, 332 are incorporated in the Constitution for the purpose of laying down the foundation of and for the establishment of Political Democracy.

(b) The Articles 330, 332, 335, 14, 15, 16 (1), 16 (4), 25, 38 and 46 are incorporated for the purpose of laying down the foundation of and for the establishment of Social Democracy.

(c) The Articles 39, 43, 335, 16 (4) and 46 are incorporated in the Constitution for the purpose of laying down the fundation of and for the establishment of Economic Democracy.

SOCIAL EFFORTS & THEIR RESULTS

More than a century has passed since Mahatma Jyotiba Phule and others started their efforts towards the abolition and destruction of Untouchability. Four scores of years have passed, since the Great men like Mahatma Gandhi and others have directed their efforts and energies towards the abolition of Untouchability. But what has been the results? Has there been any change in its Literal & National meaning of term uutouchability?

CONSTITUTIONAL EFFORTS & THEIR RESULTS

Fifteen years have passed since the Constitution of India has come into force. Fifteen years have passed since we have accepted the Gospel of Political, Social and Economic Democracies. Fifteen years have passed since we have made these three Democracies as the Articles of Faith of our life. In other words, fifteen years have passed since we have framed the Constitution, given it unto ourselves Democracy, not only as a *Form of Government* but the *way of life* envisaging the construction of the Indian Society based on the principles of:—

> "*JUSTICE-SOCIAL, ECONOMIC* AND *POLITICAL;*
> *LIBERTY OF THOUGHT, EXPRESSION, BELIEF, FAITH AND WORSHIP,*
> *EQUALITY OF STATUS AND OF OPPORTUNITY;* and to promote among them all *FRATERNITY* assuring the dignity of the individual and the unity of the Nation.

WHAT IS THE RESULT

But what has been the result during the last fifteen years after the acceptance of these principles? Has the Institution of Untouchability crumbled and vanished? Is there any noticeable and appreciable change in the outlook and attitude of the people towards the Institution of Untouchability. What is our experience? Need I give any proof in support of the fact that there is no noticeable, appreciable

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gration are the integration of the Scheduled Castes with the caste Hindu Society and *that of the tribals with the general population* of the country. Untouchability is an extreme form of casteism and, therefore, quickest ways have to be devised to to do away with both simultaneously. It was in the fitness of things that the Vice-President, Dr Radhakrishnan, emphasised this aspect of the problem in his inaugural address to the National Integration Conference. *Casteism and untouchability are formidable barriers to emotional integration* of the country. Casteism has spread its tentacles over all walks of life and has also pervaded the Muslim and the Christian communities in India."

NO CHANGE IN THE NOTIONAL MEANING

I am prepared to say that there is some change in the attitude towards "Untouchability" in its literal sense but one has to, perforce, agree ,with what Dr. Babasaheb Ambedkar, who on page 204 of his Note submitted to the Indian Franchise Committee, Vol. I of Indian Franchise Committee's Report 1932, says regarding the literal and notional meaning of the term untouchability. He says as follows. :-

> "If this is a correct statement of the facts of the life, then the difference between untouchability in its literal and notional sense is a distinction which makes no difference to the ultimate situation, for (as the extract from the Census report, 1921, of Bihar and Orissa shows) untouchability in its notional sense persists even where untouchability in its literal sense has ceased to obtain. This is why I insist that the test of untouchability must be applied in its notional sense "

It may be asked as to why is it that this quotation of Dr. Ba-asaheb Ambedkar is given ? I have given this quotation because Dr Babasaheb Ambedkar himself has given an answer to a similar question raised long before. He says in his Note of Dissent submitted to the Indian Franchise Committee as follows :-

> "The system of the Caste and the system of untouchability form really the steel-frame of the Hindu Society. This division cannot easily be wiped out for the simple reason that it is not based upon rational, economic and racial grounds On the other hand the chances are that untouchability will endure for long into the future than the optimist reformer is likely to admit on account of the fact that it is based on religious dogma". On page 2 04 of the Note, he further continues to say "Based on religion the ordinary Hindu only relaxes the rules of Untouchability where he cannot observe them. He never abandons them, for the abandonment of untouchability to him involves a total abandonment of the basic . religious tenets |

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those who have been observing untouchability for centuries together. The New converts to Buddhism have been experiencing very bitter experiences at the hands of such people I need hardly mention that the New Converts to Buddhism are treated in the same manners as before They have been taken to be the same persons as before belonging to the Scheduled Castes Community. The same prejudice continues. The same treatment, therefore, also continues. The same injustice and same ill treatment have been meted out to them It is really shocking and surprising to record that the New Converts to Buddhism also continue to suffer from both factors of Pollution and Isolation as before their Conversion.

CONCLUSION

From the above discussion, it is clear that the Exterior Castes or the Scheduled Castes or even the New Converts to Buddhism continue to suffer from countless difficulties and disabilities. In spite of the fact that (I) The Social Reformers and revolutionaries directed their energies and efforts to change the social place, position and status of these people, (2) The "Special Constitutional Provisions and the "Directive Principles" are made in their favour to enable them to establish political, social and oconomic Democracy and to lift themselves up in the Social Scale and (3) The Conversion to Buddhism was intended to deliver them from the clutches and bondage of Untouchability, and lead them into the light of the *Dhamma* of the Lord Buddha.

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(10) That because of this situation in which they are placed they have become completely helpless and haples.

(11) That because of their helplessness and haplessness they have lost all sense of their prestige and self-respect, honour and freedom.

B—NEW CONVERTS TO BUDDHISM

Now let us see and take into consideration the nature of the problem of the New Converts to Buddhism as is found and obtained in actual practice :

(1) That, barring question of a few and far between individuals who live in urban areas and also of those who are educated and, therefore, employed in Government services and of those who are employed in the small industrial places, the New Converts to Buddhism even to-day occupy the same place, position and status in the Indian Society and life.

(2) That, in fact, their place, position and status in the Indian Society is decided and determined by the two factors of Pollution and Isolation even after their Conversion as is in the case of the Scheduled Castes. It may surprise many, but it is a fact which cannot be challenged and controverted

(3) That because of these two factors they are kept even after their conversion, outside and beyond the "pale" of the general Community as in the case of Scheduled Castes

(4) That because of these two factors the New Converts are compelled and forced to live outside the boundary line of villages occupied by the general community as has happened in the case of the Scheduled Castes.

(5) That because of these factors the New Converts to Buddhism suffer from countless difficulties and disabilities as the Scheduled Castes Community does.

(6) That because of the difficulties and disabilities they suffer from, the New Converts to Buddhism have to live the life of misery and poverty as the Scheduled Castes Community does.

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(3) There is no change whatsoever, in their economic position and status, because the Conversion is mainly intended for spiritual and cultural elevation and not for any material benefits or gains.

(4) Their political position is worse than that of the Scheduled Castes because of the wrong construction, and misunderstanding of the real nature, scope and purpose of the 'Special Provisions' incorporated in the Constitution of India and also the basic principles underlying the principles of Social Justice and Economic Justice adumbrated in the Constitution of India

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Jains	1 6	2.0	0 4	0 5
Muslims.	35 4	46.9	9.9	10.7
Sikhs.	6.2	7.8	1.7	1.8
Others	1.8	1 6	0.5	0.4
TOTAL	357 3	438 9	100.0	100 0

* The sharp increase is due primarily to the neo-Buydhist movement"

It is common knowledge that the first Conversion Ceremony known as the Dhamma Chakro-Pravartdan had taken place on the 14th of October, 1956 at Nagpur in the Maharashtra State where eight lacs of people got themselves converted when Dr B R. Ambedkar got himself converted first at the hands of Maha Thero Chandramani of Lumbini, the Birth place of the Lord Buddha After this Dhamma Chakra-Pravartan Conversion,the Movement had gathered momentum throughout the country Its impact was more especially in the Utar pradesh, the Pubjab, Himachal, Madhya Pradesh and some parts of Madras and Mysore and Andhra. This fact is known to the World at large and, therefore, cannot be challenged and controverted. A large number of persons who were followers and admirers of Dr Ambedkar got themselves converted. Almost all these New Converts belonged to the Scheduled Castes Community. Nearly three crores of the persons belonging to the Scheduled Castes Community thus got themselves converted to Buddhism throughout the country

A question may be asked: If three crores was the number of persons of the New Converts to Buddhism, why is it, then that the census Report of 1961 does not disclose this figure ? The question is simple but an answer is complex, because it is not so simple There are various and varied reasons as to why we do not find this figure of three crores of Buddhist in India according to the 1961 Census

What are the reasons ? In the first place, the majority of the persons is more interested in the material gains than the spiritual As the Constitution of India has recognised certain political, social and economic benefits and facilities, it is advantageous to call one-self a member of the Scheduled Castes In order to get those material advantages, many of the New Converts to Buddhism at the time of Census mentioned that they belonged to the Scheduled Castes, even though in their houses and in their private life they obeserved Buddhism and perform Buddhist's religious ceremonies and rites and rituals. If there is any doubt in what I say, I am prepared to demonstrate the truth of what I say.

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Muslims.	35 4	46.9	9.9	10.7
Sikhs.	6.2	7.8	1.7	1.8
Others	1.8	1 6	0.5	0.4
TOTAL	357 3	438 9	100.0	100 0

* The sharp increase is due primarily to the neo-Buydhist movement"

It is common knowledge that the first Conversion Ceremony known as the Dhamma Chakro-Pravartdan had taken place on the 14th of October, 1956 at Nagpur in the Maharashtra State where eight lacs of people got themselves converted when Dr B R. Ambedkar got himself converted first at the hands of Maha Thero Chandramani of Lumbini, the Birth place of the Lord Buddha After this Dhamma Chakra-Pravartan Conversion,the Movement had gathered momentum throughout the country Its impact was more especially in the Utar pradesh, the Pubjab, Himachal, Madhya Pradesh and some parts of Madras and Mysore and Andhra. This fact is known to the World at large and, therefore, cannot be challenged and controverted. A large number of persons who were followers and admirers of Dr Ambedkar got themselves converted. Almost all these New Converts belonged to the Scheduled Castes Community. Nearly three crores of the persons belonging to the Scheduled Castes Community thus got themselves converted to Buddhism throughout the country

A question may be asked: If three crores was the number of persons of the New Converts to Buddhism, why is it, then that the census Report of 1961 does not disclose this figure? The question is simple but an answer is complex, because it is not so simple There are various and varied reasons as to why we do not find this figure of three crores of Buddhist in India according to the 1961 Census

What are the reasons? In the first place, the majority of the persons is more interested in the material gains than the spiritual As the Constitution of India has recognised certain political, social and economic benefits and facilities, it is advantageous to call one-self a member of the Scheduled Castes In order to get those material advantages, many of the New Converts to Buddhism at the time of Census mentioned that they belonged to the Scheduled Castes, even though in their houses and in their private life they obeserved Buddhism and perform Buddhist's religious ceremonies and rites and rituals. If there is any doubt in what I say, I am prepared to demonstrate the truth of what I say.

Census. In the State of Maharashtra they could mention Buddhism as their religion because they know it perfectly well that the facilities which they were entitled to before their Conversion are made available to them They also know it for certain that they can get both material benefits and spiritual as well. Even though we find a peculiar phenomena in the rest of the States, in the State of Maharashtra the New Converts to Buddhism have mentioned their Buddhist religion. The result of this has been that they number more than 30 lakhs in Maharashtra State alone. But facts cannot be gainsaid and controverted that 2-1/2 crores of the members of the Scheduled Caste community got themselves converted to Buddhism throughout the land of the Lord Buddha and of Buddhism tiself.

This will clearly show that there is a sharp increase due primarily to the New Movement started by Dr. Babasaheb Ambedkar which movement is known as the Buddhists movement in India. The Census Report, 1961 which has also to say the same thing, shows that in the State of Maharashtra alone there are 27,29,501 Buddhists which constitutes 7.05 per cent of the total population. As there was the Conversion movement in Maharashtra, similarly there was the Conversion Movement in other parts of the Country notably in Uttar Pradesh, Himachal Pradesh, Gujarat and Madras and some parts of Andhra Pradesh. It appears that the number of the New Converts to Buddhism in those areas has not been recorded. The result is that the number of the New Converts to Buddhism is very much deflated. Because of this fact, the population of these New Converts in this country is shown to be only 0.7 per cent which is not in conformity with realities and facts of life.

Looking at the figures, let us see whether the population of the New Converts to Buddhism is negligible and insignificant. The figure of the population of the Buddhists is such that is bound to attract the attention even of the blind man and the prejudiced mind. Can we, therefore, say that the problem of the New Converts to Buddhism, is not enormous and big enough from the point of view of its Number? From the Social point of view, it is, I am quite sure, bound to baffle even the most informed and the sceptical minds as it has done before in the case of the Scheduled Castes.

Whatever may be the reason of such a neglect or failure to record the correct number of these people, and however small might be their number the fact remains that the population of the Buddhists is not neglible in this Country. We shall have, therefore, to take notice of these people to whom special place and position shall have to be assigned, if the Indian Society is to be reorganised and recons tructed based on the principles of Justice, Liberty, Equality and Fraternity.

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PART IV

Magnitude of Problem - Social Significance What would be the Result?

What would be the result, if the situation as we have described under the propositions mentioned above, would continue for a long time? That because of their helplessness and haplessness, the New Converts to Buddhism are likely to loose all courage and spirit arising out of the New Conversion Movement which was mainly intended for the reconstruction of the New Indian Society These people are likely to loose and forget, in course of time, whatever change and awakening that has taken place in their minds and manners, which is noticeable after their conversion I cannot imagine the loss and the damage that would be done not only to the new Converts to Buddhism themselves, but to the whole of the country and to the World at large, which, in its turn, would suffer on account of it, if the New Converts relapse in the darkness and plunge in the abyss of poverty and ignorance nay, Untouchability. This is really a problem every rational and wise man must think and ponder over.

I must also mention here that this is not the first time that I am expressing my fears I have expressed such fears while speaking in the Bombay Assembly on the Governor's address, on the 25th February, 1958 in the following language·–

> " Sir, When I came to this House, the thought which was agitating and oppressing my mind most was the thought about the new policy of the Congress Government, I was wondering all along as to what would be the fate of the newly converted Buddhists, since it was declared that the facilities which they were getting previously had been withdrawn. Sir, I am referring to a particular philosophy of Buddhism, which is aimed at creating conditions to establish a society based on the principles of equality, liberty, justice and fraternity. We, the New Converts to Buddhism, consider ourselves to b• the spear-head of a movement intended to create those conditions envisaged and the facilities and safeguards are considered just necessary, notwithstanding this conversion to the New Faith. Largely on account of the effort of our revered leader Dr Babasaheb Ambedkar the Community has joined this force and movement despite the lack of educational facilities to them, and I think it would have been impossible task to achieve for any other person of a lesser Calibre and Capacity. So, Sir, the thought about the facilities to the Buddhists has been haunting and oppressing my mind all along."
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CHAPTER–III

Solution of This Gigantic Problem.

PART–I

A Solution Suggested :

What should be the solution of such an enormous problem ? I do not want to raise this question by way of a Riddle. For the purpose of attracting the minds of every thinking and reasonable man who has some amount of public interest, Social, Educational, Economic, Cultural, at heart, I have raised this important question to which a satisfactory and proper but lasting and permanent solution must be found

My solution is that, since these New Converts to Buddhism, because of their social, economic and educational backward conditions, continue to suffer difficulties and disabilities as before their conversion, they should be allowed to continue to enjoy the same benefits and advantages, concessions and reservation which they used to enjoy before their conversions, In other words, they should be allowed to have .–

(1) Reservations, political, Social and Economic which are contemplated and given to the Scheduled Castes and the Scheduled Tribes under the Constitution of India and also

(2) Other concessions and facilities to enable them to derive benefits arising out of these Reservations and concessions and facilities under the Principle of Social Justice.

Is it Surprising and Shocking ?

I am quite sure that it may shock and surprise many if I suggest that the New Converts to Buddhism should be given, not only concessions and facilities but the Reservation and safeguards contemplated and adumbrated in the Special Provisions of the Constitution of India Some of the critics may even go to the length of jumping at my throat in order to ask me a counter question : "Why is it that you are demanding the Special Concessions and Facilities which are intended for the Scheduled Castes and Scheduled Tribes ? Do you want to suggest, in all seriousness, that the New Converts to Buddhism should also be included in the category of the Scheduled Castes for the purpose of Reservations ? Do you want to carry Castes into Buddhist Religion by asking concessions and facilities meant exclusively for the Scheduled Castes ? Do you want to despoil and defile the Buddhist Religion itself for the sake of a few facilities and concessions ? What answers do you like to give to these questions ?"

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PART II

Reservation was not based on Religion :

I have maintained a proposition that the Reservation was not based on Religion. I have dealt with this point elaborately while dealing with the principle of social justice while considering the place, position and status of the Scheduled Castes in the Hindu Social system. I have mentioned there that, though the Untouchables or the Scheduled Castes " Observed the religious rites prevalent in the Hindu Community and recognised the sacred as well as the secular laws of the Hindus, celebrated the Hindu Festivities, and had the culture of the Hindu Community, they were compelled and obliged to live in a State of Isolation from the rest of the Community." They were in fact outside and beyond 'the pale' of the Hindu Community. Even though they were within the steel framework of the Hindu Social System they were treated for all theoritical and practical purposes as Exterior Castes meaning thereby *A-Varnas.*

A question may be raised as to why the facilities and concessions were given to the Scheduled Castes only? I have got a very simple answer and the answer is that, *because they suffered from countless disabilities and difficulties,* they were given some special facilities and concessions. That this was the criteria and measurement adopted for the purpose of making Reservation and giving of safeguards and facilities even an ordinary mind will agree. That the *difficulties and disabilities* encounted by these people *were made a foundation for giving Reservations* and *safeguards* can be found out from the history of Reservations and safeguards itself. This is my explanation *as to why and to whom the Reservations* and *safeguards were given in the begining.* I, therefore, maintain *that the Religion was not the basis of giving Reservatien, facilities and concessions.* They were mainly and exclusively intended for those who suffered from difficulties and disabilities, on account of the factors of *Pollution and Isolation.*

What is the postion of Buddhists?

We have already seen and studied the facts of life of the Buddhists Community. They continue to suffer as before from the countless disabilities and difficulties on account of those two factors. That even though they have changed their Religion and broken the shackles of the Institution of Untouchability, unfortunate as they are, they are treated in the same way as before, continue to suffer from disabilities and difficulties as before and are obliged and compelled to live in a state of insolation and segregation and are, therefore, beyond 'the pale' of the General community.' They are, therefore, quite powerless and 'miserable'.

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PART - III

What is the foundation of the Suggestion?

A question may be asked :- " It is alright for the Maharashtra Government or for that matter, any other Government, to give facilities and concessions to the New Converts to Buddhism but will it not be considered to be simply a and an indulgence' shown by the Maharashtra Government to the New Converts to Buddhism ? How long, therefore, any Government can allow this 'favour' and 'indulgence'?

I am aware of such a question raised and agitated upon ever since the Movement for Conversion to Buddhism was started. I must, therefore, give a positive answer for the purpose of resolving all doubts and controversies which may be raised in future in connection with the question of giving of Reservation and facilities to the New Converts to Buddhism I must, also, give such an answer which would be in conformity with the principle of Social Justice and the Constitutional obligations. I have two grounds for my suggestions, namely •-

First, the ground of the principle of Social Justice and,

Secondly, the ground of the Constitutional Obligations

Reservation—The Historical Necessity :

It need not be mentioned that long before engrafting and incorporating the principles of Reservation in the Indian Constitution, Reservation in Government Sevices and Assemblies and also the giving of educational facilities were accepted both by the Central Government and the Provincial Governments

STARTE COMMITTEE

The problem of " Depressed Classes " as is stated by the Starte Committee appointed by the Government of Bombay under an I. C S Officer, Mr. Starte in 1930 arises " Largely from the peculiar position they are made to occupy amongst the people. It is not easy to define exactly the position of this large body of people Notwithstanding the fact that it has the culture of the Hindu Commnnity, notwithstanding the fact that it observes the religious rites prevalent in the Hindu Community, it recognises the sacred as well as the secular laws of the Hindus and celebrates the Hindu festivities, yet a mere touch of the Depressed Classes is held to cause *Pollution*, they were obliged to live in a state of *isolation* from the rest of the Community. "

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CHAPTER – IV

Basis of Solution - Foundation of Social Justice.

PART I.

The Genesis and Origin of Principles of Reservation.

I will now answer the first question first. I will go to the genesis and the origin of the Principles of Reservation. The question *as to why and to whom* it should be given was raised for the first time in its foundamental aspect by my Revered Leader Dr B. R. Ambedkar in his Note of Dissent attached to the Report of the Simon Commission in 1927–28. In the Note of Dissent Dr. Babasahab Ambedkar says, "There will be a general agreement that the needs of the minority for the political protection are commensurate with the *Power it has to protect itself in the Social struggle.* That power obviously depends upon the *educational status of the minorities* The higher the educational and economic status of a minority, the less is the need for it being politically protected. On the other hand the *lower the educational and economic status of a minority, the greater will be the need for its political protection.*"

From the said *Note of Dissent* it will be quite clear and beyond any shadow of doubt that the Reservations and safeguards were given to those people–Castes, Communities or Minorities - call them what you like - who were *not in a position to protect themselves in the Social Struggle.* That *the power and abilities* of a particular community to *protect itself in the Social Struggle was the criterion and the test* applied and taken into consideration for the purpose of giving Reservations and Safeguards, it so clear and obvious that it requires no further explanation and elucidation. That the fact of ability to protect oneself in the Social Struggle is the foundation of Reservations, I am sure, none will dispute and none will challenge. For the purpose of judging whether that power and ability to protect itself in the Social Struggle was possessed by a particular community or not, three factors were taken consideration. They were :

I The Educational Status;

II. The Social Status , and

III. The Economic Status of a particular Community.

That this is the genesis and origin of the Reservations is a historical fact, which only the ignorant and the knave will deny and challenge.

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Basis of Solution
The Constitutional Foundation of Suggestion.

PART-II

What is the Constitutional Position ?

Having heard my argument that the principle of Social Justice is the foundation of my suggestion of granting of the special facilities to the Buddhists, it may be argued against me that "It is alright to talk of Social Justice and all sorts of moral obligations for making Reservation and giving facilities in favour of the New Converts to Buddhism. But is there any Constitutional and legal obligation imposed on the State to make any reservation to these people ? Is there any Constitutional Obligation ? Is there any Constitutional foundation for making a suggestion that the Reservations and facilities should be declared in favour of the the New Converts to Buddhism ? What is the answer and what is the explanation ? " I am aware of the fact that such and similar counter questions may be raised against my suggestion to silence it and if not to destroy it I must, therefore, explain as to what the Constitutional position is at the basis of my suggestions.

REASON AND RATIONALE OF RESERVATION
A - POLITICAL PHILOSOPHY
DEMOCRACY - A RULE BY CONSENT:

We have accepted Democracy as the basis of the New Indian Society *Democracy is a Rule based on the consent of the governed and not on their coercion* The core and kernel of Democracy is that the consent of the people must be reflected in all the functions of the State What is the reason? The reason is that the modern State is a *functional State.*

We have heard of the slogan raised by the English people against the arbitrary and absolute power and authority of their Kings. The English people raised the slogan that "There could be no taxation and no legislation without the consent of the people."

We have read the history of the Constitutional struggle of the English people for their rights and privileges against the Prerogatives of the King Ever since the English people won the battle for their rights and priveleges against their kings, the principle that (i) there can be no legislation, (ii) no taxation and (iii) no administrative action without the consent of the people, has become the ruling passion of all the peoples of the World In fact, this principle has become the fundamental bulwark of Democracy. As to how to give a prominent place of pride to this princi-

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benefits and blessings of life as human beings. In fact, under such circumstances, a problem for humanity itself arises Nay, under such conditions a problem then becomes a problem of problems. The basic problem, therefore, then, becomes under such circumstances, as to how [to make such communities *self-concious* and also how to make them undersand *human values such as Self respect and Self-reliance.* A further problem, then, for Democracy arises as to how their wishes, desires, aspirations and ambitions could be made to reflect in every piece of the Legislation, the Executive and the Administrative actions in simple language, as to how their free consent be obtained and reflected in the Legislative, Executive and Administrative actions, becomes both a political and social problem.

In order to meet such a situation, Dr. Ambedkar had, while speaking on the Budget on February 1927 in the Bombay Legislative Council, suggested and argued, "If all these Communities are to be brought to the level of equality, then, the only remedy is to adopt the principle of inequality and to give favoured treatment to those who are below the level". This is exactly the reason why special device(by way of giving of special concessions and facilities, Reservations and safeguards, were accepted and incorporated in the Constitutional Scheme of the Country.

C—PHILOSOPHY OF FUNDAMENTAL RIGHTS:

In Indiam, an individual was never 'a primary unit' of the Indian Social System The 'Caste' was and has been the 'Primary unit' of the Indian Society However, great an individual might be, he had no separate entity and existence apart from the Caste to which he belonged An individual had no rights as against his Caste, The individual was a non-entity both against his Caste and against the Society in which he is born

As a result of this aspect of the Social System there have been glaring social, economic, and political inequalities between Caste and Caste and also in between man and man Because of such a social structure, the position of the Untouchable had become worse than animals They had no rights whatever They had no values even as human beings How to do away with this pernicires, nay, venomous position was a problem that was engaging and agitating the minds of Great Minds of this country Mahatma Phule was the first to do some radical spade work in this direction There were many others who followed after him in the field Mahatma Gandhiji was conspicuous in this field Dr Babasaheb Ambedkar had, therefore, to start an Emancipation Movement of the Untouchables of the Country He had, therefore, to lead the Revolt against the Indian Social System. It will not be out of place to quote what Dr. Babasaheb said in this connection presiding over a Conference of the Depressed Classes Congress on 8th August 1930 at Nagpur Dr Babasaheb said "It is only in a

benefits and blessings of life as human beings. In fact, under such circumstances, a problem for humanity itself arises Nay, under such conditions a problem then becomes a problem of problems. The basic problem, therefore, then, becomes under such circumstances, as to how [to make such communities *self-concious* and also how to make them undersand *human values such as Self respect and Self-reliance.* A further problem, then, for Democracy arises as to how their wishes, desires, aspirations and ambitions could be made to reflect in every piece of the Legislation, the Executive and the Administrative actions in simple language, as to how their free consent be obtained and reflected in the Legislative, Executive and Administrative actions, becomes both a political and social problem.

In order to meet such a situation, Dr. Ambedkar had, while speaking on the Budget on February 1927 in the Bombay Legislative Council, suggested and argued, "If all these Communities are to be brought to the level of equality, then, the only remedy is to adopt the principle of inequality and to give favoured treatment to those who are below the level". This is exactly the reason why special device(by way of giving of special concessions and facilities, Reservations and safeguards, were accepted and incorporated in the Constitutional Scheme of the Country.

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suffer from vast array of disabilities anddifficulties on account of their place, position and status in the Irdian Society, these people were unable to enjoy the benefits and blessings of life on account of those disabilities and disadvantages. The Framers of the Indian Constitution, therefore, hand to think of giving of special concessions and facilities, weightage and privileges over and above those given to the General community. In other words, the Scale of Social Justice, Political Justice and Economic Justice was allowed to tilt in favour of these people very much against the desire of the General community. The principles of social, political and economic justice were sought to be made applicable to them by incorporating the 'Special Provisions' in the XVIth Part of the Constitution itself. In short, the Philosophy of Opportunity has been made the foundation of the 'Special Provisions' of the Constitution in order that these people could get more opportunity in the whole of the domain of life. political, Social and economic, over and above other persons belonging to the General Community. The special concessions and facilities, Reservations and Safeguards were, therefore. incorporated in these 'Special Provisions' of the Constiturion.

Let me make one point clear. The Reservation was meant |to be only a means for the development and advancement of the down-trodden people of this country. It will, therefore, be seen that reservation and safeguards, facilities and conecessions are only a weapon given in the hands of these people to break the social barrier so that these people can stand on their own legs and be able to fight and survive in the struggle for social life and existence. In short, in order that these people can find their representation in the Legislature, in the Executive and in the Administration which is the machinery of the Government, the Special Provisions with the help of Article 46, 15 (4) and 16 (4) are incorporated in the Constitution itself. The "special Provisions" are extraordinary means and methods, devices and mechanism sought to be incorporated in the Indian Constitution.

I have taken pains to explain this position and repeated it at adnauseum because there is a tendency found in some of the quarters to accept only the theory of Fundamental Rights incorporated in the Constitution, and reject the principles of Reservation incorporated in the Special Provisions and the Articles 46, 15(4) and 16(4).

I need not mention here the rule of interpretation that if we want to accept the Constitution, we must accept it in toto. We cannot accept one part of it which deals with the theory of Fundamental Rights and reject the second part which deals with Special Provisions along with Articles 46, 15(4) and 16 (4) of the Constitution

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CHAPTER–V

Constitutional Provisions

PART-I

ARTICLES OF CONSTITUTION

Having seen and studied the principles of Political and Social Justice which are at the basis of giving of special facilities and concessions, Reservations and safeguards, let us now go to the the Constitutional Provisions themselves which incorporate the same principles of social, political and economic justice.

The Article 46 of the Constitution

Let us refer first to the Article 46 and see as to why it is engrafted in the Constitution of India. In other words, let us find out the genesis and the origin of the fundamental principle underlying the Article 46 of the Constitution In order to understand the genesis of the principle accepted under the Article 46, let us read this Article itself. It reads as follows :–

> "The State shall promote with special care the *Educational* and *Economic* interest of WEAKER *SECTION* of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall *Protect them* from *Social injustice* and all froms of *exploitation.*"

Let us now analyse the Article. What do we find ? We find –

(1) That it speaks of the *PROTECTION*

(2) That it speaks of the protection of *WEAKER SECTIONS* of the people

(3) That it speaks more particularly of the Scheduled Castes and Scheduled Tribes.

(4) That it speaks of the *Protection from* all the *SOCIAL INJUSTICE.*

(5) That it speaks of the protection from all *FORMS OF EXPLOITATION.*

In other words, it speaks of the *protection of the Weaker Section,* from Social injustice and exploitation in any *form or* shape, economic, social, political and religious It would be of some interest to the students of the Constitutional Law to know that no where in the Constitution of any other country we find such

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(3) That it was Dr. B. N. Rao who was the Constitutional Advisor to the DRAFTING COMMITTEES both of the Indian and Burmese Constitutions.

I need not, therefore, emphasize that it must have been the Master mind of Dr. Babasaheb Ambedkar, who was also the Master Artist and Architect of the Constitution of India, which is completely and throughly reflected in the "Protection Clauses" of the Constitution of India and Burma. It is, therefore, clear that the powerful personality of Dr. Babasaheb who had the emancipation and liberation of the "Untouchables" as the Mission of his life, must have created a powerful impact and imprint on the Article 46 itself

II—IMPACT OF CIRCUMSTANCES

The second contributing factor for the unanimity and uniformity in the "Protection Clauses" is the impact of circumstances There was the "Protection" Clause incorporated by Dr. Babasaheb in his Note of Dissent. The reason is so obvious and so clear that it needs no explanation. But if any explanation is needed, let us study the following circumstances :—

Mission of the Life of Dr. Babasaheb Ambedkar :-

Dr. Babasaheb Ambedkar whose Mission of life was to emancipate and liberate his people, wanted to make efforts to get some special means, weapons and devices in the shape and form of Reservations and Safeguards, concession and facilities for his people to enable them to protect themselves in the Social Struggle. As to what were his efforts and endeavours is a matter of historical interest and importance with which the time and space will not permit me to deal. It is for a student of History to investigate and to research, because it is a matter for a separate thesis. It is enough for my purpose to mention here that Dr. Babasaheb Ambedkar not only pleaded for the *acceptance* of the "Protection Clause" at the time of framing of the Indian Constitution, but made supreme efforts even in 1928-29 not only for its enunciation but for its recognition and incorporation in the future Constitutional framework by the then British Rulers. When the task of framing the Constitution was entrusted to him by no less personalities than Mahatma Gandhi and Pandit Nehru, it was, but natural for Dr. Babasaheb to take this opportunity to engraft and incorporate the "Protection Clause" in the Constitution of India itself. We find this Clause, therefore, reflected in the Article 46 the Indian Constitution

Dr. Babasaheb wanted the "Protection Clause" to be accepted and incorporated in the future Constitution of India, because he found that the Untouchables or the Depressed Class, as they were then called, were *Powerless*

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III. Which people are powerless and helpless to protect themselves *in the struggle for life and existence.*

That the New Converts to Buddhism are quite powerless and helpless to protect themselves in the Struggle for life and existence, is now beyond suspicion. Because we have already seen aud studied as to what difficulties and disabilities they suffer and encounter on account of their position and status in the Indian Social System even after their Conversion. They are completely and hopelessly powerless to protect themselves in the Social Struggle. *They, therefore, need protection from Social injustice and exploitation.* It is, therefore, clear that the Article 46 and principles underlying it must be completely and fully made applicable to them

What is the Conclusion

The conclusion of this discussion is that under the Article 46, a Constitutional duty and an oblingation is thrown on the State to make provision for Reservation, and safeguards, Concession and special facilities for these New Converts as is done in the case of the Scheduled Castes and Scheduled Tribes. Because, since there is no change whatsoever in between the place, position and status of the New Converts to Budbhism and that of the Scheduled Castes and Scheduled Tribes, both these Communities should be treated on the same base and between the same parallels in the matter of giving of facilities and concessions to them under the Constitution of India.

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He said

"In enacting this part of the Constitution, the Assembly is giving certain *directions* to the Legislature and the future Executive to show in what manner they are to exercise the legislative and the executive power they will have. Surely it is not the intention to introduce this Part these principles as mere pious declarations It is the intention of the Assembly that in future both the legislature and the executive should not merely pay lip-service to these principles but that they should be made the basis of all legislative and executive action that they may be taking thereafter in the matter of the governance of the country."

(C A. D. Vol VII. PAGE 476)

This is the evlauation of the Directive Principles made by no less a person than Dr Babasaheb Ambedkar who was himself the main Architect of the Constitution of India Can we brush aside his views as of no significance and no consequence ?

The Supreme Court

I need not cite here different cases decided by the Supreme Court in which cases it has given its own evaluation of the Directive Principles. Under the able Leadership of the Chief Justice Shri P. B Gajendragadkar, our Supreme Court has, in fact, helped and aided implementation of the Directive Principles in a substantial manner in different cases dealing with social, economic and political justice

Unique and Singular Position

Limited as my knowledge is, I am of the opinion as a Student of the Constitutional Law that these Directive Principles occupy very unique and singular position in our Constitution the parallel of which we find in no other Constitution, except the Constitution of Ireland In fact, the unique nature of the Directive Principles has made a new contribution to the Science of Government as the Federal Principle under the American Constitution and as the sovereignty of Parliament under the Constitution of the United Kingdom have done. Let us, therefore, not treat these Directive Principles light-heartedly and dismiss them contemptuously, saying that these Directive Principles are not justiciable. In view of this position, can we ignore the Article 46 as is of no consequence and of no significance ?

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What is the similarity between these two Articles :

Following are the points of similarity :–

1 The Article 46 uses, the words "*Special care*" and the Article 15 (4) uses the word "*Special provision*"

2 The Article 46 uses the words "*Educational and Economic Interest of the Weaker Section*"

The Article 15 (4) uses the words "*advancement of socially and educationally Backward Classes of citizens*

What is the difference between them?

1. Article 46 speaks of giving of a direction to the State. The Article 15 (4) speaks of the fundamental rights of the citizens and the *exercise of power and authority* by the State, given to it under the *Constitution itself* in favour of the socially and economically backward class of citizent

2. The Article 46 uses the word "promote", the Article 15 (4) *uses the* words "for the advancement"

3 The Article 46 speaks of *weaker sections* of the people
The Article 15 (4) speaks of socially and economically *Backward Classes of Citizens*

4 Article 46 speaks of giving of direction to *protect* from Social injustice and exploitation. Article 15 (4) *speaks* of the positive *exercise of powers for advancement* of these classes of people under the theory of the Fundamental Rights

What is the sum total effect of the points of similarities and dissimilarities :–

Whatever may be the points of difference in between them, there is greater and more similarity than dissimilarity in between them. Because of the similarity both of them lay down one and the only one proposition and that is, that "The State shall promote with special care, the educational and economic interest of the weaker sections of the people and will exercise its power and authority in making special provisions for the advancement of any socially and economically backward classes of citizens, and the Scheduled Caste and and Scheduled Tribes." That this is the proposition we derive from the reading of these two articles, none will deny and none will challenge

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Why is it so ?

Why does the Article 16 (4) not make any mention of "the Schedulee Castes and Scheduled Tribes" for the purpose of Reservation and adequatere presentation? The reason is quite clear The reason is, that the Article 335 makes a mention of 'taking into consideration the claims of the Scheduled CASTES AND Scheduled Tribes at the time of making of appointment in the public Services.'

If this is the position we derive after reading these Aricles, a knotty problem for consideration arises. The problem for consideration, therefore, is whether the Articles 46, 15 (4), 16 (4), on the one hand and the Articles 330 & 335 on the other, are mutually inclusive and oollectively exhaustive or all of them are collectively exhaustive but mutually exclusive. What is the answer? To my mind and according to my judgement, the Articles 330 and 335 are not mutually exclusive or antagonistic to the Articles 46, 15 (4) and 16 (4). But all of them are mutually in agreement in accepting the principle of the Reservation for adequate representation in the legislature and in the Public Service, etc. for these Classes who are economically and Socially backward Class of citizens or weaker Section of the people or Scheduled Castes and Scheduled Tribes.

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concessions and facilities, reservations and in matters political, economic, social and educational, let me read aloud the Article 46, and the sub-clause (b) of the Clause (2) and the Explanation II under the Article 25 of the Constitution and the Articles 335 and 16 (4). I need not repeat that the Article 25 is the Part of III of the Constitution of India which enshrines the theory of the fundamental rights.

(1) The Article 46 speaks of *promoting* with special care the *educational* and *economic interests* of the weaker Sections of the people, and in particular of the Scheduled castes and the Scheduled Tribes and shall protect them from *social injustice* and *all forms of exploitation*.

(2) The Articles 25 Clause (2) reads as follows :
"Nothing in this article shall *affect* the operation of any existing law or *prevent* the State *from making any law*,

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice,

(b) *Providing* for *Social Welfare and reform* or throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I : .. ..

Explanation II : In sub-clause (b) of Clause (2) the reference to Hindus shall be construed as including a reference to persons professing the Sikhs, Jain or Buddhist religion, and reference to Hindu religious institutions shall be construed accordingly.

Why is it that I have referred to these two Articles? The reason is that while the Article 25 falls to the domain of the fundamental rights, the Article 46 is part of the "Directive Principles." And yet there is so much intimate connection in between them, nay, they are so much inter related to each other that they refer to the one and the same thing and have the same import and connotation.

For the purpose of understanding the connection in between the Article 25 and the Article 46, we have to take into consideration the definition of the term "Right". 'Right' is defined by Samond in his jurisprudence as "an interest recognised and protected by the rule of Law". The Article 25 speaks of the fundamental rights, meaning thereby the State, under the Indian Constitution, has recognised and must, therefore, protect certain rights of the citizens. Article 46, as a part of the Directive Principles gives a direction or an instruction to the

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PART-II

New Converts are Weaker Sections

Reading my conclusion, a counter question is bound to be raised. It may be in the following terms —

"Are the terms 'Weaker Section of the people', "The socially and educationally backward Classes of citizens", and "The Scheduled Castes and the Scheduled Tribes" mean one and the same peoples What is the answer?

To my mind these terms are not mutually exclusive. According to my study and understanding *these terms mean one and the same thing*. All these terms speak the same language and express the same sense and intention, for the purpose of making reservation and giving of facilities political, educational, Social and economic. My reason is, that we must not forget for the purpose of understanding this Constitutional principle of the fundamental importance underlying the Protection Clause the Article 46 and of the Special Provisions of Constitution.

A doubt may be raised as to what is the basis for such an inference. This doubt could easily be resolved and removed if we can only study the meaning and the connotation of the terms " educationally and economically backward Clases of citizens, the Weaker Sections of the people" and the Scheduled Castes and Scheduled Tribes together. But what is the basis for my argument ?

CONCLUSION

Let me quote Dr. Babasaheb Ambedkar as to the meaning of the word "Weaker Section" and "Backward Class". According to Dr. Babasaheb Ambedker weaker sections meant the Backward Classes and such other classes *who were for the moment "unable to stand on their own feet"*. This means that *test of "ability or inability to stand on their* feet", or *the powerlessness or inability to protect in the Social Struggle*" is the test that should be applied to judge as to who are the Backward Classes or the weaker section of the People of our country.

NEW CONVERTS-THEIR POSITION

If we adopt the tests of " ability to stand on their own leg" and "ability to protect in the Social Struggle" it could easily and fittingly be applied to the New Converts to Buddhism who are not in a position to stand on their legs and are also not in a position to protect themselves in "the Social Struggle" for life and existence.

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CHAPTER VII

The Reason and Wisdom Behind the Suggestion

I have raised a fundamental question that the facilities which were given to the New Converts to Buddhism before their conversion be extended to them because of their place, position and status which they occupy in the Indian Society even after their conversion. A question may be asked as to why I am demanding these facilities to them which are exclusively meant for the Scheduled Castes and the Scheduled Tribes and the Backward Classes.

PART - I

ANSWER DEPENDS ON TWO FACTORS

To give an answer to the question raised will depend on two factors –

1) Firstly, whether there is any *realisation* of the fact *that some of the communities in India are 'denied' and 'prohibited'* even the ordinary necessaries of life and benefits of normal social and cultural life, by the social philosophy, norms, customs, usages and taboos accepted rightly or wrongly as the very foundation of the Indian Social System, and

2) Secondly, whether there is any existence in those who are in power and authority of a *desire arising out of the new awakening, new impact, political, educational and cultural to create conditions for such people to come up to the level* from where they can make a start along with others and get for themselves educational, political, economical and cultural benefits and blessings of life. If the Society has accepted certain basic principles and the fundamental values of life, then that Society must *without hesitation and without mental reservation, go to any extent to remove those difficulties and barriers* which come in the way of such communities who suffer from countless difficulties and disabilities for centuries together. *Such a society will brook no arguments, entertain no notions and tolerate no nonsense* which contribute, to the slightest degree, for the preservation of those barriers, which divide the Society into different water-tight compartments of the Caste System denying even certain basic human rights and values to some of its members. In order *to remove these barriers, we have accepted and engrafted some devices* in the Indian Constitution such as of giving of special concessions and facilities, reservations and

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I, therefore, urge that the New Converts to Buddhism are entitled to all the facilities and concessions, reservations and safeguards which they were enjoying before their conversion.

EXPLANATION — RESERVATION — A WEAPON

RESERVATION A METHOD AND MEANS OF CHANGING SOCIETY.

Reservation is only a means, but we raised it to the level of principle because we want to impress upon the minds of the uniformed and of the Sceptical. *The reservation is only a weapon to break the social barrier so that* the members of the Scheduled Castes and Scheduled Tribes and the New Converts to Buddhism can stand on their own legs and find their *representation* in the Legislature and the *Executive* and the *Administration* of the Country. This is, in fact, based on the principles of Social Justice, political expediency and the Constitutional propriety.

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These "*Spécial Provisions*" deal with three types of Reservations for the purpose of Rapresentation to these people They are :–

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To understand with what question these "Special Provisions" deal, let us open the Part XVI of the Constitution itself and read Articles 330 and 332. Let us read the Article 330 and 332 first, What do they say?

(1) *Article 330* Speaks of two things

I. It speaks, in the first place, *of Reservation af Seats* for the Scheduled Castes and Scheduled Tribes in the *House of the People.*

II. It speaks, in the second place, of *reservation of seats in proportion to the population* of the Scheduled Case and Scheduled Tribes.

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(III) RESERVATION IN THE ADMINISTRATION

The Constitution not only has accepted and engrafted the principle of reservation for the for these people in the Legislature and the Executive but it has done so in the Administration too. To my mind, it has been done so, because the Founding Fathers envisaged that reservation for these people in the Administration--public Service would help in establishing both (i) Social Democracy and (ii) Economic Democracy. With that end in view the principle of Reservations in the Public Services has been adopted It will further be seen and appreciated that the percentage of reservation has been and sought to be made in proportion to the population of these people.

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It has in fact, elaborated and expanded the simple propositon laid down under Articles 335 with regard to :

I) The taking in to consideration the *claims*

II) *of any backward class of citizen*

III) Who are not *adequately represented* in the public services under the State.

A PROPOSITION OF FOUNDAMENTAL IMPORTANCE.

If we read these two Article together, what proposition do we get ? We get another proposition of fundamental importance, namely, "That the *State shall take into consideration, the Claims of* the member of *the Scheduled Castes and Tribes and shall be for that purpose, making reservation for appointments and posts in favour of any backward class of* citizens who *are not adequately represented in the services under the State.* " That this is the real position under these two Articles, I am quite sure, everybody would acccept and none will challenge. These two Articles, therefore, lay down, according to my view, the Constitutional proposition of fundamental importance. It is of fundamental importance because, it lays down two things They are.—

1 It lays down, in the first place, that the claims of these people in the services will be taken into consideration, and

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It may be argued that while the articles 16(4) Speaks of the ' Backward Class of citizens', the Articles 335 Speaks of the Scheduled Castes and Scheduled Tribes How are these two positions to be reconciled ? I have already explained at to how these two Articles aae not mutually exclusive or antagonistic to each other I, therefore, need not repeat the same explanation

What about the population basis ?

Let us read Article 330, 16(4) and 335 :

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PART II.

How Far This has Been Appreciated

In the ordinary course of events I would have expected that everybody would realise and appreciate the importance and implications and also the real purpose of these "Special Provisions", of the Constitution But I am sorry to reflect upon a fact that I do not find any trace of such evidence of appreciation of these provisions of the Constitution in any corner of the Country.

I may be accused that I am adopting a doctrinaire attitude towards the problem of the Reservation and safeguards. But let me make the point clear as to why I have raised this discussion of the principles of Social Justice and the Constitutional Obligation There has been a new trend developed in some quarters to-day that the reservation as a weapon for raising the downtrodden communities has outlived its utility. "These downtrodden Communities", thus they argue, "have so much improved their lot and are so much advanced and the advanced Communities are so much lagged behind that there is no difference of any kind in between them. These Backward Communities now occupy so much an enviable position in the society that they require no concessions, no special facilities and no reservation". Some of the critics of Reservation have gone to the length of pleading that "if the reservation, if at all it is to be given, should be made in favour of the advanced Communities which are nowadays lagging behind". There are also others who hold a view that the reservation, and facilities are instead of helping the removal of Caste-barriers, actually help the preservation of Caste System and social barriers They argue that the persons belonging to Backward Classes, are out to maintain the Caste-ridden society for the sake of getting reservations and facilities The same persons are likely to argue and criticise me for demanding facilities and Reservations for the New Converts to Buddhism.

CRITICS SILENCED.

We shall see the truth or otherwise in what these critics have said These critics may belong to either of the two categories They might either belong to the Class of simpleton or they might belong to the Class of a clever lot. Those who belong to the Class of simpleton do not, to say the least, understand the actual *State of affairs* prevailing even today in the Indian Society. They might either be carried away by the false propaganda that the 'Caste-ridden society' is vanished and that these backward classes are trying to maintain the Castes or they might

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PART-III

Democracy–A Way of Life

Those who think that Democracy is not only a form of Government but a way of life, I am certain, will not fall a prey to such a propaganda, will not allow their minds and attitude to be changed towards the principle of Reservation. Because nobody should forget the warning given by Dr. Ambedkar, the main Architect of the Indian Constitution, who in his " Ranade, Gandhi and Jinnah " on Page 36 says:

> " A Democratic form of Government presupposes a Democratic form of Society The formal framework of Democracy is of no value and would indeed be a misfit if there was no social democracy. The politicals never realised that Democracy was not form of Society, It may not be necessary for a Democratic Society to be marked by unit, by community of purpose, by loyalty. But it does unmistakably involve two things. The first is *attitude of mind, an attitude of respect and quality towards their fellows. The second is a social organisation free from rigid social barriers* Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction between the privileged and the unprivileged."

This will clearly show that the existence of Democracy itself depends on the attitude of mind and conception of egalitarian social Organisation which must try to remove distinction between the privileged and the unprivileged. In order to achieve this aim and objective, I am pleading for the facilities and concessions, Reservation and safeguards, political, social, economic, religious and educational to the New Converts to Buddhism.

AN APPEAL

I, therefore, very humbly appeal to the Prime Minister of India and the Chairman of the Planning Commission and through him the country as a whole to bestow the necessary consideration and sympathy on the problem of the Indian Buddhists, the New Converts to Buddbism and extend all th[illegible]les and concessions, Reservations and safeguards to these New-Converts[illegible]

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